

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

HENRY L. GUPTON,)
Plaintiff,)
v.) No. 3:07-cv-185
MICHAEL O. LEAVITT, in his official)
capacity as Secretary of the United States)
Department of Health and Human)
Services,)
Defendant.)

ORDER

This civil action is before the court on the parties' dispositive motions. For the reasons stated in the Memorandum Opinion filed contemporaneously with this Order, it is hereby **ORDERED** that the defendant's "Motion to Dismiss, or in the Alternative, for Summary Judgment" [doc. 7], is **GRANTED**, the plaintiff's cross motion for summary judgment [docs. 14 and 15] is **DENIED**, and this civil action is **DISMISSED**.

ENTER:

s/ Leon Jordan
United States District Judge

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt

Clerk of Court